



Summary of Research on Effectiveness of Adult vs. Juvenile Court in Reducing Reoffending of Youthful Offenders

Research over the past 20+ years affirms that trying youth in adult court has a detrimental impact on community safety as well as on many 17-year-olds. Current Wisconsin law excludes all 17-year-olds from the juvenile court and the services available through that venue. Even if prosecutors and judges wanted to include a 17-year-old in an appropriate juvenile service or program, they are unable to do so. Researchers have studied how best to promote public safety **and** meet the needs of 17-year-olds in several different ways, including:

Prosecuting youth under 18 in juvenile court makes sense: for public safety, for our future, and for youth

In June 2010, the Office of Juvenile Justice and Delinquency Prevention published a policy brief reviewing a diverse range of research on the question of the impact of transfer to adult court on recidivism. The review concluded that the predominance of research shows that transfer [to adult court] substantially **increases recidivism**. (Redding, Richard E. 2010. *Juvenile Transfer Laws: An Effective Deterrent to Delinquency? OJJDP*)

A review of research by the UCLA School of Law published in 2010 also took a look at existing research since 2004 and concluded that “transfer policies have demonstrated no proven deterrent effect and have caused **sharp increases in recidivism** across several jurisdictions”. (UCLA School of Law. 2010. *The Impact of Prosecuting Youth in the Adult Criminal Justice System: A Review of the Literature*.)

In Wisconsin a 2008 analysis by the Legislative Audit Bureau of offenders released from prison in 2002 found that over twice the percentage of 17-year-olds subjected to adult court were re-incarcerated within a three-year period, as compared to juveniles released from a juvenile correctional facility and to released adults. (Wisconsin Legislative Audit Bureau 2008. *17 Year-Old Offenders in the Adult Criminal Justice System*)

In 2007, the Centers for Disease Control reviewed all existing studies and concluded that: “...youth who are transferred from the juvenile court system to the adult criminal system are approximately 34% more likely than youth retained in the juvenile court system to be re-arrested for violent or other crime”. (Shaw, Frederic E. Ed. 2007. *Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System*. Centers for Disease Control and Prevention. US Department of Health and Human Services.)

In Florida, youth processed in the adult system were twice as likely to reoffend as youth dealt with solely in the juvenile system. In pairs in which both youth reoffended, youth in the adult system were likely to commit more serious reoffenses and “sooner” than their counterparts in the juvenile system. (MacArthur Foundation Research Network. Issue Brief 5: *The Changing Borders of Juvenile Justice: Transfer of Adolescents to the Adult Criminal Court*.)

In a study comparing similar youth in New York and New Jersey, youth tried in adult court were **85%** more likely to be rearrested for violent crimes and **44%** more likely to be rearrested for felony property crimes than similar youth in New Jersey. (*Jeffrey Fagan, Jeffrey, A. Kupchik, and A. Liberman. 2003. Be Careful What You Wish for: the comparative impacts of juvenile versus criminal court sanctions on recidivism among adolescent felony offenders. Public Law Research Paper. Columbia School of Law. New York, NY.*)

In summary, the overwhelming conclusion of comparative research clearly concludes that, in general, youth who are dealt with in the juvenile system are less likely to reoffend than similar youth in the adult system, actually reducing crime and victimization.

Prosecuting youth under age 18 in adult court is not a general deterrent to crime

In Georgia following a change in statute in 1994 that moved more serious offenses to adult court, research indicated that there was no significant change in arrest rates following that change. (*Edwin Risler, Tim Sweatman, and Larry Nackarud. 1998. Evaluating the Georgia Legislative Waiver's Effectiveness in Deterring Juvenile Crime. Research on Social Work Practice. Vol. 8:6.*) A New York study conducted in 1988 analyzed data before and after legislation in 1978 that limited access to juvenile court for offenders as young as 13-15 and increased transfers to adult court; it found that arrest rates for most serious offenses remained the same or increased. (*John Woods. 1980. New York's Juvenile Offender Laws: An Overview and Analysis. Fordham Urban Law Journal. Volume 9:1.*)

An Idaho study of a change in 1981 that included mandatory waiver to adult court for certain offenses actually preceded an 18% increase in arrests for violent crimes, contrary to the intended deterrent effects on which the legislation was based and contrary to significant decreases in neighboring states of Wyoming and Montana. (*Eric Jensen and Linda Metsger. 1994. A Test of the Deterrent Effect of Legislative Waiver on Violent Juvenile Crime. Crime and Delinquency. Vol. 40:1*)

Conclusion

Unnecessarily preventing nonviolent youth from being treated in the juvenile justice system has not reduced the number Wisconsin citizens who have been harmed by crime. And, trying nonviolent 17-year-old offenders in adult court with the requisite adult penalties does not keep our communities safer and has had a negative impact on youthful offenders.

Wisconsin cannot afford to continue to pay for policies that have proven ineffective. The juvenile system can hold youthful offenders accountable at the same time as providing needed services to get them back on track to become contributing members of our community.